

HOUSE BILL NO. 510

INTRODUCED BY J. COHENOUR

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE CHILD SAFETY RESTRAINT SYSTEM STANDARDS; REQUIRING A CHILD IN A MOTOR VEHICLE TO BE PROPERLY RESTRAINED; AUTHORIZING LAW ENFORCEMENT OFFICIALS TO STOP A VEHICLE OPERATED BY A DRIVER UNDER 18 YEARS OF AGE OR CONTAINING OCCUPANTS UNDER 18 YEARS OF AGE FOR FAILURE TO WEAR SEATBELTS OR TO BE RESTRAINED IN A CHILD SAFETY RESTRAINT SYSTEM AS APPLICABLE; AND AMENDING SECTIONS 61-5-106, 61-9-419, 61-9-420, AND 61-13-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-5-106, MCA, is amended to read:

"61-5-106. Instruction permits -- traffic education learner licenses and permits -- temporary licenses. (1) (a) The department may issue an instruction permit, which is valid for 1 year from the date of issuance, to a person satisfying the age requirements specified in 61-5-105(1) after the applicant has successfully passed the knowledge test and the vision examination, as provided in 61-5-110. Except as provided in subsections (1)(b) and (1)(c), an instruction permit entitles the permitholder, while in immediate possession of the permit and accompanied by a licensed driver seated beside the permitholder, to drive a motor vehicle other than a motorcycle upon the public highways.

(b) If the permitholder is under 18 years of age, the driver supervising the permitholder must be a parent or a legal guardian of the permitholder or, with the permission of the permitholder's parent or legal guardian, a licensed driver 18 years of age or older. Each occupant of a motor vehicle driven by a permitholder who is under 18 years of age shall wear a properly adjusted and fastened seatbelt or, if 61-9-420 applies, must be properly restrained in a child safety restraint system as defined in 61-9-419.

(c) A person holding an instruction permit for a motorcycle may drive a motorcycle upon a public highway if the person is not carrying a passenger, has immediate possession of the permit, and is under the immediate and proximate visual supervision of one of the following persons, who must be at least 18 years of age if the permitholder is under 18 years of age:

(i) a motorcycle-endorsed licensed driver who is riding with the permitholder and who is operating a

1 separate motorcycle or other motor vehicle; or

2 (ii) a licensed driver who is operating a separate motor vehicle if the permitholder has successfully
3 completed a motorcycle safety training course through a cooperative driver testing program certified under
4 61-5-110.

5 (2) The department may issue a traffic education learner license, which is valid for 1 year from the date
6 of issuance, to any person who is at least 14 1/2 years of age and who has successfully completed or is
7 successfully participating in a traffic education course approved by the department and the superintendent of
8 public instruction and that is available to all who meet the age requirements specified in 20-7-503 and reside
9 within the geographical boundaries of or attend a school in the school district that offers the course. A traffic
10 education learner license entitles the licensee to operate a motor vehicle only when accompanied by an approved
11 instructor or licensed parent or guardian and may be restricted to specific times or areas.

12 (3) (a) An instructor of a traffic education program approved by the department and by the superintendent
13 of public instruction may issue a traffic education permit that is effective for a school year or more restricted period
14 to an applicant who is enrolled in a traffic education program approved by the department and who meets the age
15 requirements specified in 20-7-503.

16 (b) When in immediate possession of the traffic education permit, the permittee may operate on a
17 designated highway or within a designated area:

18 (i) a motor vehicle when an approved instructor is seated beside the permittee; or

19 (ii) a motorcycle or quadricycle when under the immediate and proximate supervision of an approved
20 instructor.

21 (4) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's
22 license permitting the applicant to operate a motor vehicle while the department is completing its investigation
23 and determination of all facts relative to the applicant's right to receive a driver's license. The temporary driver's
24 permit must be in the permittee's immediate possession while operating a motor vehicle, and it is invalid when
25 the applicant's license has been issued or for good cause has been refused.

26 (5) The department may in its discretion issue a temporary commercial driver's license to an applicant
27 permitting the applicant to operate a commercial motor vehicle while the department is completing its investigation
28 and determination of all facts relative to the applicant's right to receive a commercial driver's license. The
29 temporary license must be in the applicant's immediate possession while operating a commercial motor vehicle
30 and is invalid when the applicant's license has been issued or for good cause has been refused.

(6) The department may in its discretion issue a temporary medical assessment and rehabilitation driving permit, as provided in 61-5-120."

Section 2. Section 61-9-419, MCA, is amended to read:

"61-9-419. ~~"Properly restrained"~~ defined Definitions. As used in ~~61-9-420~~ 61-9-419 through 61-9-423, the following definitions apply:

(1) "Child safety restraint system" means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in a way that prevents or minimizes injury to the child in the event of a motor vehicle accident. The child safety restraint system must be either permanently affixed to a motor vehicle or affixed to a vehicle by a safety belt or a universal attachment system and must meet the federal motor vehicle safety standards set forth in 49 CFR 571.213. The term includes a booster seat.

(2) ~~"properly"~~ "Properly restrained" means fastened in a manner prescribed by the manufacturer of the child safety restraint system that permits the system to act as a body restraint, but does not mean a system in which the only body restraint is a safety belt of the type required by 61-9-409."

Section 3. Section 61-9-420, MCA, is amended to read:

"61-9-420. Child safety restraint systems -- standards -- exemptions. (1) If a child under 6 years of age and less than 4 feet 9 inches tall or a child weighing less than ~~60~~ 65 pounds is a passenger in a motor vehicle, that motor vehicle must be equipped with one child safety restraint system for each child in the vehicle and each child must be properly restrained.

(2) The department shall by rule establish standards in compliance with 61-9-419 through 61-9-423 and applicable federal standards for approved types of child safety restraint systems.

(3) The department may by rule exempt from the requirements of subsection (1) a child who because of a physical or medical condition or body size cannot be placed in a child safety restraint system."

Section 4. Section 61-13-103, MCA, is amended to read:

"61-13-103. Seatbelt use required -- exceptions. (1) A driver may not operate a motor vehicle upon a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child safety restraint system.

(2) The provisions of this section do not apply to:

1 (a) an occupant of a motor vehicle who possesses a written statement from a licensed physician,
2 licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, that the occupant
3 is unable to wear a seatbelt for medical reasons;

4 (b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

5 (c) an operator of a motorcycle or a motor-driven cycle;

6 (d) an occupant of a vehicle licensed as special mobile equipment; or

7 (e) an occupant who makes frequent stops with a motor vehicle during official job duties and who may
8 be exempted by the department.

9 (3) The department may adopt rules to implement subsection (2)(e).

10 (4) (a) The department or its agent may stop a vehicle if the driver or an occupant of the vehicle is under
11 18 years of age and is not wearing a properly adjusted and fastened seat belt or, if 61-9-420 applies, is not
12 properly restrained in a child safety restraint system.

13 (b) The department or its agent may not require a driver 18 years of age or older who may be in violation
14 of this section to stop except upon reasonable cause to believe that the driver has violated another traffic
15 regulation or that the driver's vehicle is unsafe or not equipped as required by law."

16 - END -